

At the meeting, the committee also recommended permitting onions for fresh peeling, chopping, or slicing to be shipped in bulk bins, as authorized by the provision for experimental shipments in the handling regulation. Although bags and cartons provide better protection during shipping, the committee does not believe that such additional protection is necessary for onions moving to processing outlets. Handlers have found that both bags and cartons are more difficult to load and unload than are bulk containers. In addition, bags and cartons are more expensive to buy and only last for one shipment, while bins can be used repeatedly. Also, bags and cartons must be disposed of at the destination, an additional cost, while bins can be returned for further use. It is therefore proposed that sub-paragraph (i) of paragraph (f)(3) *Experimental shipments*, be revised to remove the requirement for a poly liner and be limited to shipments for peeling, slicing, and chopping, and redesignated as (f)(3) *Peeling, slicing, and chopping*. The remaining parts of paragraph (3) *Experimental shipments*, would be redesignated (f)(4) *Experimental shipments*, but would be otherwise unchanged. Both paragraph (f)(3) and (f)(4) would continue to be subject to the safeguards under paragraph (g).

In accordance with the Paperwork Reduction Act of 1988 (44 U.S.C. Chapter 35), the information collection requirements that are contained in this proposal have been previously approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB number 0581-0074.

Based on available information, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 7 CFR Part 959

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 959 is proposed to be amended as follows:

#### PART 959—ONIONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 959 continues to read as follows:

**Authority:** 7 U.S.C. 601-674.

2. Paragraphs (f)(4) and (f)(5) of § 959.322 are redesignated (f)(5) and (f)(6) respectively; paragraphs (f)(3)(ii) and (f)(3)(iii) are redesignated (f)(4)(i)

and (f)(4)(ii) and revised; paragraph (f)(3)(i) is redesignated as (b)(3) and revised; and the introductory text of paragraphs (g) and (g)(4) are revised to read as follows:

#### § 959.222 Handling regulation.

\* \* \* \* \*

(f) \* \* \*

(3) *Peeling, chopping, and slicing.* Upon approval of the committee, onions for peeling, chopping, and slicing may be shipped in bulk bins with inside dimensions of 47 inches x 37 1/2 inches x 36 inches deep and having a volume of 63,450 cubic inches, or containers deemed similar by the committee. Such shipments shall be exempt from paragraph (c) of this section, but shall be handled in accordance with the safeguard provisions of § 959.54 and shall meet the requirements of paragraphs (a), (b), (d), and (g) of this section.

(4) *Experimental shipments.* (i) Upon approval by the committee, onions may be shipped for experimental purposes exempt from regulations issued pursuant to §§ 959.42, 959.52, and 959.60, provided they are handled in accordance with the safeguard provisions of § 959.54 and paragraph (g) of this section.

(ii) Upon approval of the committee, onions may be shipped for testing in types and sizes of containers other than those specified in paragraphs (c) and (f)(2) of this section, provided that the handling of onions in such experimental containers shall be under the supervision of the committee.

\* \* \* \* \*

(g) *Safeguards.* Each handler making shipments of onions for relief, charity, processing, experimental purposes, or peeling, chopping and slicing shall:

\* \* \*

(g)(4) In addition to provisions in the preceding paragraphs, each handler making shipments for processing and peeling, chopping, and slicing shall:

\* \* \* \* \*

Dated: June 6, 1995.

**Sharon Bomer Lauritsen,**

*Deputy Director, Fruit and Vegetable Division.*

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#### DEPARTMENT OF ENERGY

#### Office of Energy Efficiency and Renewable Energy

#### 10 CFR Part 490

[Docket No. EE-RM-95-110A]

RIN 1904-AA64

#### Alternative Fuel Transportation Program

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

**ACTION:** Notice of limited reopening of the comment period.

**SUMMARY:** On February 28, 1995, the Department of Energy (DOE) published a notice of proposed rulemaking (60 FR 10970) to implement statutorily required alternative fueled vehicle acquisition requirements applicable to certain alternative fuel providers and State government fleets under sections 501 and 507(o) of the Energy Policy Act of 1992 (Act), respectively. Public hearings were held in three cities and the 60-day public comment period closed on May 1, 1995. The purpose of this notice is to reopen the comment period for 30 days in order to solicit comments on options being given consideration in light of the many comments for and against altering the dates of the statutory vehicle acquisition schedules.

**DATES:** Written comments (11 copies) on the issues presented in this notice must be received by the Department on or before July 12, 1995.

**ADDRESSES:** Written comments (11 copies) should be addressed to: U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE-33, Docket No. EE-RM-95-110A, 1000 Independence Ave., SW, Washington, DC 20585, (202-586-3012).

**Docket:** Supporting information used in developing the proposed rule and written comments received on the Notice of Proposed Rulemaking are contained in Docket No. EE-RM-95-110A. This Docket is available for examination in DOE's Freedom of Information Reading Room, 1E-090, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, 202-586-6020, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kenneth R. Katz, Program Manager, Office of Energy Efficiency and Renewable Energy (EE-33), U.S. Department of Energy, 1000

Independence Avenue, S.W.,  
Washington, DC 20585, (202) 586-6116.

**SUPPLEMENTARY INFORMATION:** In the February 28, 1995, notice of proposed rulemaking, DOE described the statutory provisions of the Act that impose the alternative fueled vehicle acquisition schedules and provide for a starting date of September 1, 1995 (the beginning of model year 1996). Among other things, DOE pointed out that, with respect to the acquisition requirements applicable to alternative fuel providers in model years 1997 and thereafter, section 501(b) of the Act authorizes DOE to reduce the percentage to no less than 20 percent and to extend the deadlines for up to two years. 42 U.S.C. 13251(b). DOE indicated that it did not intend to exercise its discretion under section 501(b), but requested comment on the conditions that should be the basis for such action. DOE also pointed out that, with respect to the statutory vehicle acquisition schedule applicable to State government fleets, section 507(o) does not contain a provision similar to section 501(b), and therefore, does not explicitly authorize DOE to amend the percentages or deadlines in the statutory schedule. 60 FR 10970-1.

DOE received a significant amount of comment on the desirability of a delay of the vehicle acquisition schedules. Some of the comments argue that DOE should delay the acquisition schedules so as to provide the same amount of lead time as the Act contemplates between the statutory deadlines for promulgation of final regulations (January 1, 1994, for alternative fuel providers and April 24, 1994, for State fleets) and the date the vehicle acquisition requirements take effect (September 1, 1995). Others argue for a one or two-year delay of the vehicle acquisition requirements for both alternative fuel providers and State fleets. A one-year delay would shift the starting point for both vehicle acquisition schedules to the beginning of model year 1997 on September 1, 1996. A two-year delay would shift the starting point for both vehicle acquisition schedules to the beginning of model year 1998 on September 1, 1997. In making a case for delay, some comments have argued that a hiatus between the date of promulgation and the date the vehicle acquisition requirements become effective is needed so that those who are subject to the regulations can take necessary actions to comply and suppliers of alternative fuel and alternative fueled vehicles can adjust to the requirements. Moreover, some State officials have argued that a delay is necessary because section

507(o)(2)(A) of the Act provides for a 12-month period after promulgation of final regulations during which the State can submit an Alternative State Plan.

Other commenters argue against any modification of the statutory schedule, claiming that such a delay would be detrimental to those who planned and acted in light of the September 1, 1995, beginning date. They argue that the exemption process is adequate to provide relief to those who cannot comply for good cause.

DOE recognizes that it is appropriate to provide for lead time between the date the final regulations are promulgated and the date the vehicle acquisition requirements are enforced. Lead time could be provided by amending the statutory vehicle acquisition schedule, staying enforcement, or some combination of amending the schedule and staying enforcement. However, DOE must act within the constraints on its delegated authority under the Act to modify the statutory vehicle acquisition schedules. In this connection, DOE invites comment on the legal implications of: (1) The omission from section 501(b) of explicit authority to modify the model year 1996 percentage applicable to alternative fuel providers; and (2) the lack of any explicit authority in section 507(o) to change the scheduled percentages applicable to State government fleets for model year 1996 or any model year thereafter. The Act does not provide any restrictions on DOE's enforcement discretion.

DOE also seeks comment on options for staying enforcement of the vehicle acquisition requirements in order to provide lead time. Relying on its broad enforcement discretion, DOE could modify proposed § 490.605 to provide for a stay of enforcement for both alternative fuel providers and State government fleets. Proposed §§ 490.201 (the requirements for State government fleets) and 490.302 (the requirements for alternative fuel providers) would be modified to be "subject to § 490.605."

DOE seeks comment on several options being considered for redrafting proposed § 490.605. One option would provide in substance that DOE: (1) Shall not enforce during the lead time period; and (2) thereafter shall enforce as if the statutory vehicle acquisition schedules had been amended to begin after the end of the lead time period. For example, if DOE chose to provide for one model year of lead time, this approach would provide for no enforcement in model year 1996 and enforcement of the model year 1996 requirements in model year 1997, and so on. Another option would

only provide that DOE shall not enforce during the lead time period, but would not affect the enforcement requirements for later model years. The difference between these options is that under the latter option, after expiration of the lead time period, enforcement would begin at the applicable percentage set forth in the statutory vehicle acquisition schedule rather than at the percentage applicable for model year 1996.

The options being considered for the duration of the lead time period include one model year, two model years, or the lead time specifically provided by section 501 and 507(o) (20 months and 16 months, respectively). However, DOE is open to other suggestions.

A stay of enforcement would not preclude modifying the alternative fuel providers' vehicle acquisition schedule for model year 1997 and thereafter consistent with section 501(b) of the Act. Neither would it preclude processing of exemption requests under the criteria set forth in sections 501(a)(5) and 507(i) of the Act.

Options involving a stay of enforcement would have the virtue of leaving intact the statutory provision to acquire alternative fueled vehicles in model year 1996 and future years. Those who may have acted in reliance on the dates in the statutory schedule, such as the major domestic automobile manufacturers, could benefit from the stimulus to purchase that the program would still provide. In this connection, it is worth noting that Ford and Chrysler have indicated their plans to accept orders for alternative fuel vehicles during the second half of model year 1995 with delivery starting during the first half of model year 1996. They, as well as the General Motors Corporation, have also indicated that they have model year 1997 plans to broaden their product offerings.

DOE urges interested members of the public to comment on the important issue discussed in this notice.

Issued in Washington, DC on June 2, 1995.

**Brian T. Castelli,**

*Chief-of-Staff, Energy Efficiency and Renewable Energy.*

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